

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
FEBRUARY 16, 2004
MINUTES**

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| CALL TO ORDER | A. | <p>Mayor Klimetz called the regular Common Council meeting of February 16, 2004 to order at 6:35 p.m. in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin.</p> <p>Present were: Mayor Klimetz, Aldermen Dorsan, Solomon, Netzel, Kosovich, Sohns and Bergmann. Also present were Assistant City Engineer Romeis, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.</p> |
| COMMENDATION | | <p>Mayor Klimetz presented Joseph Edward Miller an Eagle Scout Commendation.</p> |
| CITIZEN
COMMENT | B. | <p>Citizen comment period was opened at 6:42 p.m. and closed at 6:50 p.m.</p> |
| MINUTES-
01/20/04 (F-11) | C-1. | <p>Alderman Solomon moved to approve the regular Common Council meeting minutes of 01/20/04 (F-11) as presented. Seconded by Alderman Bergmann. All voted Aye; motion carried.</p> |
| MINUTES-
02/03/04 | C-2. | <p>Alderman Sohns moved to approve the regular Common Council meeting minutes of 02/03/04 as presented. Seconded by Alderman Kosovich. All voted Aye; motion carried.</p> |
| PRAIRIE GRASS
PRESERVE
RESIDENTIAL
SUBDIVISION | F-1. | <p>Alderman Bergmann moved to table to the March 16, 2004 Common Council meeting, a resolution authorizing certain officials to execute a Declaration of Deed Restrictions, Conservation Agreement and Protective Covenants for the Prairie Grass Preserve Residential Subdivision. Seconded by Alderman Solomon.</p> <p>Alderman Solomon moved to suspend the rules to allow Kristen Wilhelm to speak. Seconded by Alderman Netzel. All voted Aye; motion carried.</p> <p>On the original motion to table the resolution to March 16, 2004, Alderman Bergmann amended the motion to table this to the March 2, 2004 Common Council meeting. Seconded by Alderman Solomon. All voted Aye; motion carried.</p> |
| EMERGENCY
MEDICAL
BILLING | F-2. | <p>Alderman Dorsan moved to accept the proposal submitted by CPR for an agreement for emergency medical services billing services, with the agreement to be prepared by the City Attorney, and further authorized the proper City officials to execute said agreement. Seconded by Alderman Bergmann. All voted Aye; motion carried.</p> |

- RES. 2004-5654 F-3. Alderman Sohns moved to adopt Resolution No. 2004-5654, A RESOLUTION TO CONSIDER THE CREATION OF THE FRANKLIN BUSINESS CENTER REDEVELOPMENT DISTRICT, AND AN ORGANIZATIONAL STRUCTURE FOR SUCCESSFUL PLANNING AND IMPLEMENTATION as amended. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- Alderman Sohns then moved to approve an expenditure of \$25,000 from the Economic Development Commission 2004 budget. Following an opinion from the City Attorney regarding the notice of this item not listed on the agenda, Mayor Klimetz then ruled this motion out of order. This item will be listed on the 3/2/04 Common Council agenda.
- 27TH STREET F-4. Alderman Sohns moved to designate the City Engineer and City CORRIDOR Planning Manager as the City's representative to serve on the Wisconsin Department of Transportation's Technical Advisory Committee to study the 27th Street Corridor. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CROOKED CREEK F-5. Alderman Sohns moved to approve the final public walking trail layout SUBDIVISION for the Crooked Creek residential subdivision. Seconded by Alderman Netzel. All voted Aye; motion carried.
- RES. 2004-5655 F-6. Alderman Dorsan moved to adopt Resolution No. 2004-5655, A FINAL PLAT- RESOLUTION CONTINGENTLY APPROVING THE FINAL PLAT CROOKED CREEK FOR CROOKED CREEK RESIDENTIAL SUBDIVISION ADDITION SUBDIVISION #1 (TREETOPS DEVELOPMENT, LLC) as amended by the City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2004-5656 F-7. Alderman Sohns moved to adopt Resolution No. 2004-5656, A AGREEMENT- RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO CROOKED CREEK EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH #1 SUBDIVISION THE DEVELOPER OF CROOKED CREEK ADDITION NO. 1 SUBDIVISION. Seconded by Alderman Dorsan. All voted Aye; motion carried.
- RES. 2004-5657 F-8. Alderman Dorsan moved to adopt Resolution No. 2004-5657, A FINAL PLAT- RESOLUTION CONTINGENTLY APPROVING THE FINAL PLAT RIVERVIEW POINTE RESIDENTIAL SUBDIVISION POINTE (RIVERVIEW POINTE PARTNERS, LLC) as corrected. Seconded by SUBDIVISION Alderman Sohns. All voted Aye; motion carried.

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| RES. 2004-5658
AGREEMENT-
RIVERVIEW
POINTE
SUBDIVISION | F-9. | Alderman Sohns moved to adopt Resolution No. 2004-5658, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT FOR RIVERVIEW POINTE SUBDIVISION. Seconded by Alderman Dorsan. All voted Aye; motion carried. |
| NATURAL
RESOURCE
PROTECTION
PLANS | F-10. | Alderman Netzel moved to continue the process in effect with Natural Resource Protection Plan review until the new process has been completed. Seconded by Alderman Solomon. All voted Aye; motion carried.

Alderman Dorsan, seconded by Alderman Solomon, moved to allow Kristen Wilhelm to speak. All voted aye; motion carried. |
| CONSTRUCTION
SITE EROSION
CONTROL
ORDINANCE | F-11. | Alderman Solomon moved to refer the proposed ordinance to amend the Unified Development Ordinance of the Municipal Code as it pertains to fees for construction site erosion control permits to the Plan Commission for review and recommendation following a public hearing. Seconded by Alderman Sohns. On roll call, Aldermen Solomon, Netzel, Kosovich, Sohns and Bergmann voted Aye; Alderman Dorsan voted No. Motion carried. |
| DEERWOOD
ESTATES
DEVELOPMENT | F-12. | Alderman Solomon moved to direct the Finance Department to reimburse the developer of Deerwood Estates, ICON Development Corporation, for the amount of \$64,705.00 for water main oversize, over a period of five years at 20% per year, with the funds for reimbursement taken from the water connection fee. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| BRIDGE
LOADING | F-13. | Alderman Kosovich moved to authorize the Engineering Department staff to employ the firm of Graef, Anhalt, Schloemer & Associates, Inc. to prepare the bridge loading rate for five of the City's bridges, with funding to come from the 2004 Street Maintenance budget, and further that the contract be prepared by the City Attorney for execution by City officials. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| ORD. 2004-1781
SANITARY
SEWER SERVICE | F-14. | Alderman Bergmann moved to adopt Ordinance No. 2004-1781, AN ORDINANCE TO AMEND THE MUNICIPAL CODE AS IT PERTAINS TO CONNECTIONS TO PUBLIC SANITARY SEWER SERVICE. Seconded by Alderman Sohns. On roll call, Aldermen Bergmann, Sohns, Kosovich, Netzel and Dorsan voted Aye; Alderman Solomon voted No. Motion carried. |

- ST. JAMES CHURCH & YMCA F-15. Alderman Sohns presented an update regarding discussions with St. James Church and YMCA regarding relocation as requested by Alderman Netzel.
- Alderman Netzel also requested that knowledge of meetings occurring in his district be relayed to him. Alderman Dorsan also requested that he be notified of activity in his district. Mayor Klimetz then reminded the Common Council of the notification policy in effect and directed the City Clerk to provide the Common Council with a copy. Following a request by the City Attorney to review this policy, this item will be listed on the 3/2/04 Common Council agenda.
- PUBLIC SAFETY SERVICES CONSOLIDATION F-16. Alderman Netzel presented an update on the public safety services consolidation meeting on 2/12/04 with the Hales Corners Police & Fire Commission and Village Board. No action was taken.
- ORD. 2004-1782 MEMBERS ABSTAIN FROM VOTING F-17. Alderman Bergmann moved to adopt Ordinance No. 2004-1782, AN ORDINANCE TO AMEND THE MUNICIPAL CODE AS IT PERTAINS TO COMMON COUNCIL MEMBERS ABSTAINING FROM VOTING. Seconded by Alderman Netzel. On roll call, Aldermen Solomon, Netzel, Kosovich, Sohns and Bergmann voted Aye; Alderman Dorsan voted No. Motion carried.
- HUMAN RESOURCES MANAGER F-18. Alderman Bergmann moved to approve the filling of the Human Resources Manager Position. Seconded by Alderman Sohns. All voted Aye; motion carried.
- PUBLIC WORKS DEPARTMENT F-19. Alderman Solomon moved to table Resolution approving job descriptions for the Public Works Department of the City of Franklin to the 3/16/04 meeting. Seconded by Alderman Netzel. All voted Aye; motion carried.
- CLOSED SESSION-SOIL CONTAMINATION F-21. Alderman Bergmann moved to enter closed session at 8:30 p.m. pursuant to §19.85(1)(e), Stats. to deliberate concerning a proposed soil contamination/remediation settlement agreement for the property located at 9625 S. 54th Street in the Franklin Business Park and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Solomon. On roll call, Aldermen Bergmann, Kosovich, Solomon and Dorsan voted Aye; Aldermen Sohns and Netzel voted No. Motion carried.

Upon reentering open session at 8:40 p.m.

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RES. 2004-5659
AGREEMENT-
BUSINESS PARK

Alderman Solomon moved to adopt Resolution No. 2004-5659, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A RELEASE, INDEMNIFICATION AND DEVELOPMENT AGREEMENT (Lot 3, Block 1, Franklin Business Park, 9625 S. 54th Street, Franklin, Wisconsin), subject to the condition that grading be approved prior to execution. Seconded by Alderman Sohns. All voted Aye; motion carried.

SIGMA
ENVIRONMENTAL
SERVICES, INC.

F-20.

Alderman Solomon moved to authorize staff to proceed with an agreement with Sigma Environmental for additional services for the environmental soil problems at 9625 S. 54th Street in the Franklin Business Park for a cost not to exceed \$18,800. Seconded by Alderman Netzel. All voted Aye; motion carried.

LICENSES

H-1.

Alderman Netzel moved to grant the following licenses subject to meeting all licensing requirements:

Operator License to Bonnie L. Blask, 4862 S. 22nd St. and Evelyn A. Spencer, W216 S9321 Crowbar Rd., Muskego; and

Fee waiver to Robin Grimm, Cub Scout Pack 531, Ben Franklin Elementary School, Legend Park picnic fee of \$50 on 8/17/04 and to return funds if already paid; and

also moved to hold Operator License for Mariana Buenrostro Leon, 4007 S. 43rd St., Greenfield subject to appearing before the License Committee and Mariana Pachuca Magdaleno, 4007 S. 43rd St., Greenfield subject to appearing before the License Committee; and

and also moved to deny Operator License for Paul Brzycki, 6742 Riverdale Lane, Greendale for conviction record in accordance with Sec. 125.04(5)(a)1., Wisc. Stats. and Patrick Bustillos, 1123 S. Ninth St., Milwaukee for conviction record in accordance with Sec. 125.04(5)(a)1., Wisc. Stats. Seconded by Alderman Solomon. All voted Aye; motion carried.

VOUCHERS

I-1.

Alderman Solomon moved to approve City vouchers in the range of nos. 105267 thru 105391 in the amount of \$812,576.26. Seconded by Alderman Netzel. On roll call, all voted Aye. Motion carried.

PAYROLL

Alderman Bergmann moved to approve net payroll of February 6, 2004 in the amount of \$266,024.79. Seconded by Alderman Netzel. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J.

Alderman Bergmann moved to adjourn the Common Council meeting at 8:42 p.m. Seconded by Alderman Netzel. All voted Aye; motion carried.